

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

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The Minutes

April 7, 2003

C040769 THE PEOPLE v. COPELAND

BY THE COURT:

Appellant's petition for rehearing is denied.
DAVIS, Acting P.J.

C040828 CESNALIS v. CESNALIS

(Certified for Publication)

THE COURT:

It is ordered that the opinion filed herein on March 12, 2003, and reported in the Official Reports (106 Cal. App. 4th 1267) be modified as follows:...

There is no change in the judgment.

Appellant's petition for rehearing is denied.

FOR THE COURT:

DAVIS, Acting P.J.

RAYE, J.

CALLAHAN, J.

April 8, 2003

Misc. Order 2003-02

By the Court:

Associate Justice Coleman A. Blease is appointed to serve as Acting Presiding Justice to discharge the duties described in the California Rules of Court, rules 75, 76, 77 and 78, during the absence of the Presiding Justice from the court on April 11, 2003, and April 14, 2003, or until his return. (See Cal. Const. Art 6, Sec. 3.) The senior member of a panel of the Court is designated the Acting Presiding Justice of that panel during the absence of the Presiding Justice.

SCOTLAND, P.J.

C037911 THE PEOPLE v. RIDER

(Not for Publication)

The convictions are affirmed, but the sentence is vacated and the matter is remanded to the superior court for resentencing.

BLEASE, Acting P.J.

We concur: Hull, J.

Robie, J.

C040636 THE PEOPLE v. YONAI

(Not for Publication)

The judgment is affirmed.

RAYE, J.

We concur: Nicholson, Acting P.J.

Callahan, J.

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April 8, 2003, continued

- C041103 THE PEOPLE v. YANG (Not for Publication)**
The judgment is affirmed.
RAYE, J.
We concur: Sims, Acting P.J.
 Kolkey, J.
- C041406 THE PEOPLE v. JIMENEZ, JR. (Not for Publication)**
The judgment is affirmed.
CALLAHAN, J.
We concur: Blease, Acting P.J.
 Robie, J.
- C039379 CASSIDY v. CASSIDY (Not for Publication)**
The appeal is dismissed. Timothy shall recover costs on appeal.
RAYE, J.
I agree with the opinion fully except as to part II, with which I concur in the result.
NICHOLSON, Acting P.J.
I concur: Hull, J.
- C039490 CASSIDY et al. v. MURATORE et al. (Not for Publication)**
The judgment is affirmed. Defendants Marjorie L. Muratore and Michael & Cammack shall recover costs on appeal.
RAYE, J.
We concur: Nicholson, Acting P.J.
 Hull, J.
- C040931 In re C.N.; THE PEOPLE v. C.N. (Not for Publication)**
The judgment (order committing the minor to CYA) is reversed and the matter is remanded to the Sacramento County Juvenile Court for further proceedings consistent with this opinion.
RAYE, J.
We concur: Sims, Acting P.J.
 Kolkey, J.
- C039495 KING v. THE SUPERIOR COURT OF SACRAMENTO COUNTY
and THE PEOPLE (Certified for Publication)**
Let a peremptory writ of mandate issue directing the superior court to vacate its order of January 12, 2000, finding King had forfeited his right to counsel and all subsequent orders and to appoint counsel for King. The cause is remanded for further proceedings consistent with this opinion.
MORRISON, Acting P.J.
We concur: Callahan, J.
 Kolkey, J.

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April 9, 2003

- C028033 THE PEOPLE v. SPENCE (Certified for Publication)**
The judgment is reversed.
MORRISON, J.
We concur: Davis, Acting P.J.
Nicholson, J.
- C037845 THE PEOPLE v. LANGSTON (Certified for Partial Publication)**
The judgment is modified... As so modified, the judgment is affirmed. The trial court is directed to amend the abstract of judgment to reflect this modification, and forward a certified copy of the amended abstract to the Department of Corrections.
MORRISON, J.
We concur: Sims, Acting P.J.
Davis, J.
- C039382 THE PEOPLE v. RICO (Not for Publication)**
The judgment is affirmed.
RAYE, J.
We concur: Davis, Acting P.J.
Kolkey, J.
- C040692 THE PEOPLE v. PEER (Not for Publication)**
The judgment is affirmed in all respects except one: The matter is hereby remanded to the trial court for retrial only on the allegation of the 1986 prior burglary conviction in Nevada as alleged in the amended information for purposes of section 667.5, subdivisions (b) and (f).
NICHOLSON, Acting P.J.
We concur: Callahan, J.
Hull, J.
- C042336 In re RONNIE S., SACRAMENTO COUNTY DEPARTMENT OF HEALTH AND HUMAN SERVICES v. RONNIE R. (Not for Publication)**
The juvenile court's order is affirmed.
ROBIE, J.
We concur: Scotland, P.J.
Callahan, J.

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April 10, 2003

- C033728 THE PEOPLE v. OROZCO (Not for Publication)**
The judgment is affirmed. Because the abstract incorrectly states defendant was convicted of section "113539 (c)," we direct the superior court to correct the abstract to show a conviction for section 11380 and forward a copy of the amended abstract to the Department of Corrections.
ROBIE, J.
We concur: Sims, Acting P.J.
 Kolkey, J.
- C038039 THE PEOPLE v. CARLEVATO (Not for Publication)**
The judgment is affirmed.
BLEASE, Acting P.J.
We concur: Morrison, J.
 Hull, J.
- C039966 THE PEOPLE v. BALLOU (Not for Publication)**
The order revoking defendant's probation and ordering the execution of a 180-day jail term is reversed and the case is remanded to the trial court to determine whether to require defendant to participate in a drug treatment program as an additional condition of probation.
DAVIS, J.
We concur: Sims, Acting P.J.
 Nicholson, J.
- C040222 THE PEOPLE v. ATHERTON (Not for Publication)**
The judgment is modified... As so modified, the judgment is affirmed. The trial court is directed to correct the abstract of judgment as stated above and to forward a certified copy to the Department of Corrections.
NICHOLSON, J.
We concur: Sims, Acting P.J.
 Morrison, J.
- C040375 THE PEOPLE v. SIMMONS (Not for Publication)**
The judgment is modified... As so modified, the judgment is affirmed. The trial court is directed to prepare an amended abstract of judgment and to forward a certified copy to the Department of Corrections.
ROBIE, J.
We concur: Scotland, P.J.
 Sims, J.

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April 10, 2003, continued

- C040733 THE PEOPLE v. NORRIS (Not for Publication)**
The judgment is affirmed. The clerk of the superior court is directed to amend the abstract of judgment to reflect that the one-year enhancement was imposed pursuant to Penal Code section 667.5, subdivision (b), and to send a copy of the amended abstract to the Department of Corrections.
NICHOLSON, J.
We concur: Scotland, P.J.
 Sims, J.
- C040799 THE PEOPLE v. KIRCH (Not for Publication)**
The appeal is dismissed. (Cal. Rules of Court, rule 2(e).)
DAVIS, J.
We concur: Sims, Acting P.J.
 Nicholson, J.
- C040698 PEEK v. BUIE (Not for Publication)**
The judgment is affirmed.
NICHOLSON, J.
We concur: Sims, Acting P.J.
 Kolkey, J.
- C042971 JACQUELINE T. v. THE SUPERIOR COURT OF SACRAMENTO COUNTY
and SACRAMENTO COUNTY DEPARTMENT OF HEALTH AND HUMAN
SERVICES et al. (Not for Publication)**
Let a peremptory writ of mandate issue forthwith, directing respondent juvenile court to vacate its orders terminating petitioner's reunification services and scheduling a section 366.26 hearing. The matter is remanded with directions to the juvenile court to order the Department of Health and Human Services to provide petitioner with an additional six months of reunification services.
DAVIS, Acting P.J.
We concur: Nicholson, J.
 Robie, J.
- C034438 THE PEOPLE v. CEPEDA**
BY THE COURT:
Appellant's petition for rehearing is denied.
SCOTLAND, P.J.

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April 11, 2003

- C039836 THE PEOPLE v. MARTINEZ (Not for Publication)**
The judgment is affirmed.
KOLKEY, J.
We concur: Scotland, P.J.
Davis, J.
- C040249 THE PEOPLE v. ROBINETTE (Not for Publication)**
The judgment is affirmed.
ROBIE, J.
We concur: Scotland, P.J.
Sims, J.
- C040351 THE PEOPLE v. SMARTT (Not for Publication)**
The judgment is affirmed. The trial court is directed to amend the minute order and the abstract of judgment to reflect the imposition of a \$200 restitution fine (Pen. Code, § 1202.4, subd. (b) (1)) and a \$200 restitution fine stayed unless parole is revoked (Pen. Code, § 1202.45). The court is further directed to forward a certified copy of the amended abstract to the Department of Corrections.
SCOTLAND, P.J.
We concur: Callahan, J.
Robie, J.
- C040573 THE PEOPLE v. SALA (Not for Publication)**
The judgment is modified... As modified, the judgment is affirmed. The superior court shall prepare and transmit to the Department of Corrections an amended abstract of judgment granting defendant two additional days of custody credit on case No. 00F9368.
ROBIE, J.
We concur: Scotland, P.J.
Morrison, J.
- C040876 THE PEOPLE v. O'CONNELL (Certified for Publication)**
The portion of the order granting probation that requires appellant to pay the costs of probation pursuant to Penal Code section 1203.1b is vacated. The case is remanded to the trial court for the redetermination of probation-related costs as discussed in the opinion. The order placing defendant on probation is otherwise affirmed.
MORRISON, J.
We concur: Sims, Acting P.J.
Nicholson, J.

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The Minutes

April 11, 2003, continued

C041847	THE PEOPLE v. CLARK (Not for Publication) The judgment is affirmed. SCOTLAND, P.J. We concur: Sims, J. Robie, J.
C037789	O'RIORDAN v. FEDERAL KEMPER LIFE ASSURANCE COMPANY et al. BY THE COURT: Appellant's petition for rehearing is denied. BLEASE, Acting P.J.